IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

Bail Appl..No. 371 of 2007()

CRMP.114/2007 of J.M.F.C., MANNARKAD

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PETITIONERS/ACCUSED:

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1. ASHRAF @ MANU, AGED 30,
   S/O.MUHAMMED, MOOLANCHIRA HOUSE,
   NARIYAGODE, POTTASSERI, MANNARKKAD TALUK
   (JCB AGENT).

2. GOPINATHAN, AGED 40, S/O.RAMANKUTTY,
   PARAKOTTIL HOUSE, POTTASSERI
   PALAMPATTA, MANNARKKAD TALUK,
   DRIVER TRACTOR NO.KL9 S 9561.

3. RADHASKRISHNAN @ KANNAN, AGED 34,
   S/O.SIVARAMAN, PARAKKAL HOUSE,
   THENKARA, KOTTIYODE, MANNARKKAD TALUK,
   TRACTOR DRIVER.

4. RATNASWAMY, AGED 22, S/O.MAYILSWAMY,
   H.NO.107, THERPETTI, DHARAPURAM,
   ERODE, TAMIL NADU,
   DRIVER OF JCB NO;KL9 T 6819.

5. KUMAR, AGED 20, S/O.TANKAVELLU,
   MAHILIYAMMAN KOYIL VEEDHI,
   KARAYUR, ERODE, TAMIL NADU,
   DRIVER OF JCB KL9 Q 1610.

6. PRASHANTH, AGED 24, S/O.RAMANKUTTY,
   KANJIRATHINKAL HOUSE, POTTASSERI,
   KANHIRAM, MANNARKKAD TALUK.

7. MANI @ MANIKUMAR, AGED 44,
   S/O.MUTHU, PONKATTIL HOUSE,
   POTTASSERI, AMBAMKUNNU, MANNARKKAD TALUK,
   DRIVER OF TRACTOR KL 10 D 8663.

8. KUTTAN @ KRISHNADAS, AGED 22,
S/O.BALAN, AMBADAM HOUSE, THENKARA,
MANNARKKAD TALUK, TRACTOR CLEANER.

9. JAYAN, AGED 26, S/O.VELAN,
OZHUKKAPERA HOUSE, POTTASSERI P.O., KANJIRAM,
DRIVER OF TRACTOR KL9 G 5067.

10. KRISHNADAS @ KANNAPAN,
AGED 31, S/O.NAGAN, KUDAMARE HOUSE,
MEZHUKUMPARA, THENKARA, MANNARKKAD.
DRIVER OF LORRY KED 8119.

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED
BY SHO AGALI POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 24/01/2007, ALONG WITH BA NO. 497 OF 2007
THE COURT ON 30/01/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Applications NO. 371/07 & 497/07

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Dated, this the 30th day of January 2007

ORDER

These are applications for regular bail. The petitioners in B.A. 371/07 are accused Nos. 4 and 7 to 15 and the petitioners in B.A. 497/07 are accused Nos. 3 and 16 in Crime No. 4/07 of Agali Police Station for offences punishable under Sections 450, 342, 395 and 427 I.P.C. and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The occurrence took place after midnight on 10-1-2007. Accused Nos. 3 and 16 were arrested on 17-01-2007.

3. The learned Public Prosecutor opposed the application and made available to me the case diary files relating to the matter.

4. The case of the prosecution is that some time after midnight on 10-1-2007 first accused Abdul Khader and 50 others with the intention of committing robbery and demolishing the house of the de facto complainant Selvaraj, criminally trespassed into the said house at Naikkanpady in Agali Village armed with deadly weapons and after removing the six inmates of the house

to an adjacent store room at knife's point committed robbery of one Television, a D.C. Player, a sewing machine and then demolished the house using to J.C.Bs. The 11 cows in the cattle shed were also stolen. The inmates of the house were then removed to the P.W.D's rest house at Agali in a Qualis car and confined in a room. Thereafter the store room was also demolished. The stolen articles were then transported in lorries and tractors. The motive for the occurrence is the dispute between Selvaraj and the first accused Abdul Khader.

5. A tense situation still prevails in that area. 15 more hired gundas who participated in the occurrence are yet to be apprehended by the police. The investigation is still at the preliminary state. If at this stage of investigation, the petitioners are released on bail, they will definitely influence and intimidate the prosecution witnesses and that will hamper the smooth investigation of the case.

This petition is accordingly dismissed.

Sd/- V. RAMKUMAR, (JUDGE)

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